

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

Pensicola Banks,	)	C/A No.: 3:12-cv-00032-JFA
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>ORDER</u></b>
	)	
John M. McHugh	)	
<i>Secretary Department of the Army,</i>	)	
	)	
Defendant.	)	
_____	)	

This matter comes before the court on the motion to dismiss for lack of subject matter jurisdiction and for summary judgment filed by Defendant John M. McHugh (“Defendant”). ECF No. 24. In this employment discrimination case, Plaintiff Pensicola Banks (“Plaintiff”) alleges race discrimination and retaliation on the part of Defendant in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et. seq.* Plaintiff filed a response in opposition to Defendant’s motion, ECF No. 30, and Defendant replied, ECF No. 36.

The Magistrate Judge assigned to this action<sup>1</sup> prepared a thorough Report and Recommendation (“Report”) and opines that Defendant’s motion for summary judgment should be granted. The Report sets forth in detail the relevant facts and standards of law on this matter, and this court incorporates those facts and standards without a recitation.

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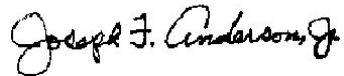
<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff was advised of her right to object to the Report, which was entered on the docket on July 26, 2013. However, Plaintiff did not file objections. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the court adopts the Report and grants Defendant's motion for summary judgment, ECF No. 24.

IT IS SO ORDERED.

August 22, 2013  
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge